

REMARKS

This amendment is offered in response to the Office Action of August 25, 2004.

The drawings are objected to under Rule 83(a) as not showing the fin seal. Similarly, claims 14 and 16 stand rejected under 35 U.S.C. §112, first paragraph, for lack of written description.

In response to both the Rule 83(a) objection and the 35 U.S.C. §112, first paragraph, rejection, Figure 8 has been clarified to show a structure associated with “fin seal 300” which is formed by bringing together the edges 96. This is consistent with Figure 7 wherein it is clear that the edges 96 being brought together would result in a joinder which is oriented in the machine direction and therefore “substantially perpendicular to said zipper”, considering that the zipper is mounted in cross-machine direction. That is, the seal in the machine direction is perpendicular to the zipper in the cross-machine direction. See also page 12, line 26-29 of the specification. This drawing change is fully supported by the specification and drawings, as originally filed. No new matter has been added.

In view of the above, it is respectfully submitted that the numeral “300” previously added to the specification is fully supported.

It is respectfully submitted that this resolves the rejection with respect to the drawings and with respect to the specification.

The Office Action rejected Claims 14 and 16 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,660,479 to May et al. (hereinafter “May”) in view of Reexamination Certificate No. RE 33,674 to Uramoto (hereinafter “Uramoto”).

The May and Uramoto references disclose side seams rather than lap or fin seams.

By way of background, typically a lap seam bag is created by folding the edges of the film together and sealing the edges together, thereby forming a tube. The top and bottom seals are formed thereby creating a bag. The resulting bag, therefore has only one seal extending from top to bottom, which is known as a lap or fin seal. A side seal bag is created by either folding the film, then sealing both sides and the top of the film to create the bag. Alternately, rather than folding the film, top and bottom separate films can be provided and the edges of the top and bottom films sealed together to form side seals.

Claim 14 has been amended to recite that one of the walls “further includes a lap or fin seal formed in a central location thereof”. This clearly distinguishes over a side seal, such as is disclosed in the cited art, wherein the seals are formed at the joinder of the first and second walls, rather than at a central location of one of the walls.

Moreover, the Uramoto reference discloses a package made using a form fill and seal method where the zipper is applied in the machine direction. As a result, the Uramoto reference does not teach or suggest a separate lap or fin seal extending perpendicular to the zipper from the top to the bottom of the package. Withdrawal of the rejection is respectfully requested.

The Office Action rejected Claims 14 and 16 under 35 U.S.C. §103(a) as being obvious over the May reference in view of the Yeager reference (WO 97/06062) or JP-62-273839. While both secondary references appear to disclose lap seals, there is nothing which would suggest to the person of average skill in the art to excise the lap seals from the secondary references and graft these lap seals to the primary reference. In other words, there is nothing to suggest the combination of this art.

It is therefore respectfully submitted that the rejections under 35 U.S.C. §103 are overcome.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", with a stylized, flowing script.

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IN THE DRAWINGS:

Enclosed are further proposed corrections for Figure 8, shown in red. Formal drawings will be provided after Notice of Allowance. No new matter has been added.